

**Council of Canadians and Concerned Citizens Presentation to the Cowichan Valley  
Regional District, Regional Services Committee Regarding TILMA  
(the Trade, Investment and Labour Mobility Agreement)**

Mr Chairperson,  
Esteemed Directors,

July 25, 2007

**We ask that you, through the UBCM, call on the provincial government to rescind the Trade, Investment and Labour Mobility Agreement (TILMA).**

**We feel that it is imperative that you instruct the Union of B.C. Municipalities to seek a second opinion on the effects of TILMA on government entities, and recommend that this opinion come from someone who specializes in trade issues, such as an economist.**

**We suggest that you encourage the UBCM to seek an extension of the transition period, and that you initiate a Home Rule plebiscite.**

**We are in favour of fair, sustainable trade. We support the globalization of communication and people and oppose the global expansion of corporate power.**

From Steven Shrybman's paper,  
**An Assessment of the Trade, Investment and Labour Mobility Agreement (TILMA)  
Between the Provinces of B.C. and Alberta , May, 2007; (Page 1)**

"While TILMA is an agreement between two Canadian provinces, it's origins and impetus can be seen as stemming from the federal government's commitments under NAFTA and the WTO. Under both international trade regimes, **Canada is obliged to ensure provincial adherence to the requirements of these trade treaties. The importance of provincial compliance arises from the expansion of these trade regimes to encompass policy and law that concern matters reserved to provincial governments under the Constitution.**"

**"The federal government has no authority to implement international obligations that pertain to matters reserved to the provinces.** Nevertheless, under international law, Canada is liable for provincial measures that violate trade rules."

**"NAFTA Article 105:Extent of Obligations, provides:**

**The Parties shall ensure that all necessary measures are taken in order to give effect to the provision of this Agreement, including their observance, except as otherwise provided in this Agreement, by state and provincial governments."**

"To reconcile this discrepancy between its international obligations and the limits of its constitutional authority, Canada needed a mechanism that would directly bind the provinces to the international commitments it had undertaken."

Hence, the Agreement on Internal Trade, signed in 1994, the same year as NAFTA, and came into effect in 1995. However, it did not have a binding dispute resolution mechanism, and did not cover key areas of policy and law. For that reason we now have TILMA. TILMA transforms a political arrangement among provinces (the A.I.T.) into a legally binding agreement to which the provincial Parties must adhere, on pain of substantial monetary awards-up to \$5 million-if they fail to do so.

**".....TILMA is not presented as a project to complete the federal government's trade liberalization agenda, but rather as an initiative needed to remove inter-provincial barriers to investment, labour mobility and trade."**

**Labour mobility is being addressed on a national level, by the Council of the Federation, without the heavy hand of TILMA sanctions, and trade barriers have never been defined and therefore specific costs have not been assigned.**

**In this sense, TILMA is a fraudulent document.**

**TILMA, rather than being an agreement to increase interprovincial trade efficiency and competition, is a critical piece of the puzzle where globalization is the end goal.**

**TILMA is a stepping stone towards the Security and Prosperity Partnership, the SPP, and the two together will lead to the annexation of Canada by the United States. A process that is already in motion**

From the Council of the Federation (FCM) to which B.C. is a signatory, under  
**Objectives: part d)**  
**"working with the greatest respect for transparency and better communication with Canadians".**

**TILMA was conceived of in secrecy, and is by intent, design and structure no more than an instrument for de-regulation. It's based on the premise that government regulation is the problem.**

**We believe regulations allow us our quality of life, and reflect the democratic authority of the people.**

**From the Federation of Canadian Municipalities report,  
"Communities in an Urban Century", Jan. 2002:**

Jim Edwards, President and CEO of Economic Development, Edmonton  
listed the top three site locator criteria as:

**Quality of life**

**Labour force-are they trained? Reliable? Ethical?**

**Financial incentives**

**TILMA will reduce our quality of life. It will de-skill our workforce. Further, it disallows financial initiatives to stimulate local investment.**

**Christine May, European spokesperson for the Convention of Scottish Local Authorities**  
said:

"A changing society requires **new models of decision-making, which involve civil society and groups outside traditional governmental decision-making structures.**"

**TILMA is anti-democratic. Instead of increasing local democratic input, it will move in the opposite direction and reverse the present trend of including civil society and local groups. It will entrench distant, mercenary authority over proximal democratic interests.**

Several speakers made the point that **increased powers and autonomy for municipal governments must be balanced with increased public participation and expanded accessibility, accountability, transparency, and democracy.**

**TILMA will take away all autonomy and local choice for municipal and regional levels of government. It will distance the electorate from the democratic process, remove your effect upon local decision making, and thus local accountability, since you can not be responsible for control of your jurisdiction when corporations, local and at a distance, have the authority, under the agreement, to challenge your regulations and receive a monetary reward for doing so. TILMA has not been transparent and is un-democratic.**

"Several participants pointed out that cities have a long history of starting programs that were adopted by other orders of government once they were proven successful. Ottawa City Councillor, Alex Cullen, "Most successful initiatives start locally. Health care was local, income tax was a city initiative. We can deliver innovative solutions if we're given the tools."

**Anne Golden, CEO and President of the Conference Board of Canada:  
"One way to generate awareness would be to have a Home Rule plebiscite."**

**"We need a national focus on policies that protect our water quality, preserve the health of water catchment areas."**

**"If we care about our competitiveness as a nation, we must care about the viability of our cities."**

**"Our quality of life is deteriorating: Quality of life includes elements such as quality of schools, community centres, parks, and cultural activities: the quality of the natural environment (e.g. quality of air and water); commuting time; personal safety; access to housing. Quality of life not only affects our standard of living today but it also affects our ability to attract businesses and people that can maintain or improve our standard of living in the future. Our ability to compete internationally is being compromised by a deteriorating quality of life."**

**"September 11th raises a more fundamental question about Canadian autonomy vis-a-vis the U.S. We have been talking about the autonomy of Canadian cities but, if Canada's autonomy is in question as a nation, what does this mean for cities. I think Canada matters, and therefore Canadian cities have to matter."**

Anne Golden to provincial governments:

**"Invest in cities; invest in infrastructure; give cities the legislative and fiscal tools and resources that they need to be competitive."**

**The Supreme Court of Canada said:**

**"...lawmaking and implementation are often best achieved at a level of government that is not only effective, but also closest to the citizens affected and thus most responsible to their needs, to local distinctiveness, and to population diversity."**

**TILMA will destroy local choice exercised through the democratic authority of Canadian citizens.**

**John Helliwell, former president of the Canadian Economics Association:** "unrestricted private access to the dispute mechanisms, combined with a commitment to neutrality of treatment, **would make almost any provincial or municipal programme subject to attack.** This is no doubt part of the appeal of TILMA for some. However, using expensive legal procedures to advance particular private interests is surely not the best way of providing a non-intrusive and efficient network of trade-supporting public rules and institutions."

### **The Transition Period:**

In order to address the various criticisms that have been levelled at TILMA by groups such as the Sierra Legal Defence Fund, the Council of Canadians, and others it may be that Alberta and B.C. rethink their approach and broaden the scope of TILMA exceptions. **However, this would still leave the essential de-regulatory architecture of TILMA intact and governments exposed to the resource demands and liabilities associated with TILMA's private enforcement regime.** **It is import therefore to keep in mind that the policies and laws that may become fodder for TILMA dispute procedures are the lawful actions of provincial governments and public bodies taken in accordance with their mandates to serve the public interest.**

### **Location of Resources on TILMA**

**<http://groups.google.com/group/stoptilma>**

**<http://www.stoptilma.com/articles.html>**

**<http://www.canadians.org/DI/issues/TILMA/index.html>**